

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Service – Treasuries and Accounts Department – Ananthapur District-
Departmental proceedings against Sri S.V. Subbanna, DD (Retd.) – Punishment of
withholding of 10% of pension imposed for a period of 3 years. - Implementation of
Hon'ble APAT Orders dated 21-08-2009 in O.A.No.6091/2007 – Orders – Issued.

FINANCE (ADMN.I.VIG) DEPARTMENT

G.O.Rt.No. 540

Dated: 11 -02-2010

Read the following:-

1. G.O.Rt.No.2958 Finance (Admn.I) Department dated 2-7-2005.
2. APAT Orders dated 21-08-2009 in O.A.No.6091/2007 filed by Sri S.V.Subbanna DD (Retd.)
3. The Hon'ble A.P. High Court Order dt. 29-01-2010 in W.P.No.1363/2010 filed the Govt. of A.P. Rep. Secretary (FP)

In the reference 1st read above, orders were issued imposing a punishment of withholding of 10% of pension for (3) years on Sri S.V. Subbanna, DD (Retd.) under Rule 9 of A.P. Revised Pension Rules 1980 for irregular appointment of Smt.M.R.Bhuvaneswari, in the special drive for filling up back-log vacancies of SCs as Junior Accountant, although she did not possess the typewriting qualification, which was one of the qualifications required to hold the post of Junior Accountant and having issued conditional appointment orders for which there is no provision in the rules, and for his failure to follow the instructions contained in G.O.Ms.No.275, Finance and Planning (FW.Admn.I) Department, dated 01-06-1990.”,

2. Aggrieved by the above orders, the Sri.S.V.Subbanna DD (Retd) has filed O.A.No.6091 of 2007 before the Hon'ble A.P. Administrative Tribunal. The Hon'ble Tribunal vide its order, dated 21-08-2009, while setting aside the punishment orders have directed the respondents i.e Government to release the amounts, if any deducted within a period of 6 weeks from the date of receipt of the order.

3. Government, after careful examination of the above orders of the Hon'ble APAT, has filed a Writ Petition No.1363/2010 in the Hon'ble High Court of AP against the order of A.P. Administrative Tribunal dated 21/8/2009 in OA. 6091/2009. The Hon'ble A.P. High Court in their orders dated 29/01/2010 observed that:

- A perusal of the record goes to show that the District Selection Committee is the selection authority consisting of the District Collector as its Chairman and an officer not lower in rank than that of Deputy Director of Treasuries and Accounts/District Treasury Officer. The selection committee after selecting Smt.M.R.Bhuvaneswari as Junior Accountant directed the Deputy Director, District Treasury, Ananthapur, to give posting orders vide proceedings Rc.No.A3/8348/95, dated 27-06-1996. Pursuant to the said proceedings, Smt.G.L.Ratnamma, Deputy Director (Full Additional Charge) of District Treasury, Ananthapur, issued orders appointing the said M.R.Bhuvaneswari as Junior Accountant and posted to Sub-Treasury, Kambadur, vide proceedings dated 08-07-1996, while the 1st respondent was on leave. But, the said M.R.Bhuvaneswari has not joined duty at Sub-Treasury, Kambadur.
- It appears, on 30-07-1996, M.R.Bhuvaneswari has approached the 1st respondent-applicant and requested to give posting orders at the District Treasury, Anantapur. Accordingly, the 1st respondent-applicant issued revised appointment orders, dated 01-08-1996, appointing her as Junior Accountant and posted to District Treasury, Anantapur, in modification of the earlier orders issued by Smt.G.L.Ratnamma.

- Charge No.2 is that the 1st respondent-applicant irregularly appointed M.R.Bhuvaneswari in the special drive for filling up backlog vacancies of Scheduled Castes and Scheduled Tribes as Junior Accountant, although she did not possess typewriting qualification, which was one of the qualifications required to hold the post of Junior Accountant, and issued conditional appointment orders, for which, there is no provision in the rules, and that he has failed to follow the instructions issued in G.O.Ms.No.275, dated 01-06-1990.
- We are of the opinion that if the said M.R.Bhuvaneswari is not entitled to be appointed as Junior Accountant, it is for the Selection Committee to reject her case for appointment. In fact, Smt.G.L.Ratnamma, Deputy Director (Full Additional Charge) of District Treasury, Ananthapur, appointed the said M.R.Bhuvaneshwari vide proceedings, dated 08-07-1996, pursuant to the order of the Selection Committee and the 1st respondent-applicant merely changed the place of posting. Therefore, framing of 2nd charge that the 1st respondent-applicant appointed the said Bhuvaneshwari irregularly is not tenable. Further, the Tribunal has observed that no action has been taken against the said Smt.G.L.Ratnamma, who gave the first appointment order, pursuant to the orders of the Selection Committee. The Selection Committee has not at all been found fault with for selecting the said M.R.Bhuvaneshwari. In fact, the Government issued Memo, dated 14-04-2003, regularizing the services of the said Bhuvaneshwari as Junior Accountant, who was appointed in the backlog vacancies of Scheduled Castes and Scheduled Tribes. Therefore, it cannot be said that the said irregularity is attributable to the 1st respondent-applicant.
- In view of the aforesaid facts and circumstances of the case, **we do not see any error committed by the Tribunal in allowing the said application filed by the 1st respondent herein. Therefore, the writ petition is devoid of merit and the same is liable to be dismissed.**

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

4. Government, after careful examination of the matter and in pursuance of the orders of Hon'ble High Court of A.P., hereby order to implement the orders of Hon'ble A.P. Administrative Tribunal, order dated 21/8/2009 in OA. 6091/2009. filed by Sri S.V.Subbanna Deputy Director (Retd.) District Treasury, Ananthapur

5. The Director of Treasuries and Accounts shall take necessary further action as per the orders of the Hon'ble APAT dated 21/8/2009 in OA.No.6091/2009 and report compliance to the Government as well as to the G.P. A.P. Administrative Tribunal, Hyderabad for their record.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**L.V.SUBRAHMANYAM
PRL.SECRETARY TO GOVERNMENT (FP)**

To
Sri S.V.Subbanna Deputy Director (Retd.) District Treasury, Ananthapur-through the
Director of Treasuries and Accounts, A.P., Hyderabad.
The Director of Treasuries and Accounts, A.P., Hyderabad.
Copy to the G.P. for Finance, A.P.A.T., Hyderabad for information.

// FORWARDED BY ORDER//

SECTION OFFICER